

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

MICHAEL SEWELL AND TANYA §  
SEWELL, INDIVIDUALLY AND AS §  
NEXT FRIENDS OF T.D.M. AND §  
C.M.S., MINORS, §  
*Plaintiffs,* §  
§  
v. § CIVIL ACTION NO.: 4:20-CV-01033-O  
§  
CONTINENTAL EXPRESS, INC., §  
CONTINENTAL EXPRESS TRAILER §  
LEASING, LTD. AND AGRANA FRUIT §  
US, INC. §  
*Defendants.* §

**DEFENDANT CONTINENTAL EXPRESS, INC.'S**  
**NOTICE OF MOTION AND MOTION FOR RECONSIDERATION OF ORDER**  
**DISMISSING WITHOUT PREJUDICE**

TO THE HONORABLE U.S. DISTRICT COURT JUDGE:

COMES NOW Defendant Continental Express, Inc. (“CEI”) and files this its Motion for Reconsideration of the Court’s previous order dismissing this case without prejudice, and, for such, would show unto the Court as follows:

While CEI’s motion for summary judgment was pending, the Court dismissed Plaintiffs’ claims against CEI and a related entity Continental Express Trailer Leasing, Ltd. at the request of Plaintiffs’ counsel. *See Dkt. 14.* For the reasons stated in CEI’s accompanying Brief in Support of its Motion for Reconsideration, CEI has and will suffer plain legal prejudice as a result of the unconditional dismissal of Plaintiffs’ claims against it without prejudice.

Because CEI is entitled to a dismissal *with* prejudice, or, alternatively, a dismissal without prejudice but with certain qualifications, CEI now moves the Court for reconsideration.

Respectfully submitted,

**GERMER BEAMAN & BROWN, P.L.L.C.**

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By:

  
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**ATTORNEYS FOR DEFENDANT  
CONTINENTAL EXPRESS, INC.**

**CERTIFICATE OF CONFERENCE**

I certify by my signature below that the undersigned counsel attempted to confer with Plaintiffs' counsel, Garette Amis, on February 24 and 26, 2021 regarding Defendant CEI's Motion for Reconsideration, and she opposes. Accordingly, pursuant to Local Rule 7.1(b)(3), the Court should presume the motion is opposed.

  
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Gregg R. Brown

**CERTIFICATE OF SERVICE**

I, the undersigned counsel, hereby certify that a true and correct copy of the foregoing was forwarded, as indicated below, to all known counsel of record in compliance via CM/ECF with the Federal Rules of Civil Procedure and the Local Rules for the Northern District of Texas on this the 26th day of February 2021.

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